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**RESOLUTION NO. R-70-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF COLTON APPROVING A PURCHASE AND SALE  
AGREEMENT WITH EDWARD BERKI DBA PACIFIC  
OCEAN DRIVE 3315 LLC FOR THE ACQUISITION OF  
APPROXIMATELY 0.93 ACRES OF REAL PROPERTY;  
AND TO AMEND THE FISCAL YEAR 2016-17 BUDGET TO  
APPROPRIATE FUNDS ASSOCIATED WITH THE  
TRANSACTION**

**WHEREAS**, Edward Berki DBA Pacific Ocean Drive 3315 LLC ("Seller") is the owner of that certain real property located at 1595 West Valley Boulevard (the "Property") in the City of Colton, County of San Bernardino (APN 0254-191-09); and

**WHEREAS**, California Government Code Section 37350 provides that a city may purchase, lease, receive, hold, and enjoy real and personal property, and control and dispose of it for the common benefit; and

**WHEREAS**, the City of Colton ("City") desires to purchase the Property from Seller to facilitate the redevelopment of the Property; and

**WHEREAS**, Seller desires to sell the Property to the City, and City desires to purchase the Property from Seller, through a Purchase and Sale Agreement, which includes joint escrow instructions, in the form attached hereto as Exhibit "A" and incorporated herein (the "Agreement"); and

**WHEREAS**, City staff has determined that the Seller's conveyance of the Property to City is exempt from the requirements of the California Environmental Quality Act ("CEQA"), pursuant to State CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that the mere transfer of title to the Property from the Seller to the City will not have a significant effect on the environment; and

**WHEREAS**, a budget appropriation for the purchase of the Property, not listed in the 2016-17 Fiscal Year budget, is required and must be approved by resolution of the City Council.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON  
RESOLVES AS FOLLOWS:**

**SECTION 1. RECITALS.** The City Council does hereby find and affirm the above-noted recitals are true and correct and hereby incorporated in the body of this Resolution as if restated in full.

**SECTION 2. APPROVAL OF AGREEMENT.** The City Council hereby approves and accepts the conveyance of the Property to the City by and pursuant to the terms and conditions set forth in the attached Purchase and Sale Agreement and Joint Escrow Instructions. The City Council hereby authorizes and directs the City Manager (with the concurrence of the City

1 Attorney) to execute and deliver on behalf of the City the Agreement and any documents and  
2 instruments as may be necessary or convenient in the furtherance of the actions authorized by this  
Resolution.

3 **SECTION 3. CEQA.** The City Council hereby authorizes and directs City staff to file a  
4 Notice of Exemption for the City as a lead agency under CEQA within five (5) days from the  
adoption of this Resolution.

5 **SECTION 4. APPROPRIATION OF EXPENDITURES.** The City Council authorizes  
6 an adjustment to the Fiscal Year 2016-17 budget, for an appropriation of \$1,600,000 plus  
7 estimated closing costs of \$8,000 as follows:

- 8 • Appropriate the Expenditure in the amount of \$1,608,000 for associated  
9 expenses related to that certain Purchase and Sale Agreement for purchase  
and subsequent sale of APN 0254-191-09, the Property, from Colton  
10 Electric Utility Rate Stabilization/Land Purchase Account Number 520-  
8000-8001-4960-0000-000


11 **SECTION 5. CERTIFICATION.** The City Clerk shall certify to the passage and  
12 adoption of this Resolution and the same shall thereupon take effect and be in force immediately  
upon its adoption.

13 **SECTION 6. EFFECTIVE DATE.** The Mayor shall sign this Resolution and the City  
14 Clerk shall attest thereto, and this Resolution shall take effect immediately upon its adoption.

15 **PASSED, APPROVED AND ADOPTED** this 5<sup>th</sup> day of July, 2016.

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19 RICHARD A. DELAROSA, Mayor  
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22 ATTEST:

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24 CAROLINA R. PADILLA, City Clerk  
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**EXHIBIT A**  
Purchase and Sale Agreement and Joint Escrow Instructions  
**[Attached Behind This Page]**

1 STATE OF CALIFORNIA )  
2 COUNTY OF SAN BERNARDINO ) ss  
3 CITY OF COLTON )

4 CERTIFICATION

5 I, **CAROLINA R. PADILLA**, City Clerk of the City of Colton, California, do hereby  
6 certify that the foregoing is a full, true and correct copy of **RESOLUTION NO. R-70-16**,  
7 duly adopted by the City Council of said City, and approved by the Mayor of said City, at its  
8 Regular Meeting of said City Council held on the **5th day of July, 2016**, and that it was  
9 adopted by the following vote, to wit:

10	AYES:	COUNCILMEMBER	Toro, Jorrin, Navarro, González, Bennett,
11			and Mayor DeLaRosa
12	NOES:	COUNCILMEMBER	None
13	ABSTAIN:	COUNCILMEMBER	None
14	ABSENT:	COUNCILMEMBER	Suchil

15  
16 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal  
17 of the City of Colton, California, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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22 CAROLINA R. PADILLA  
23 City Clerk  
24 City of Colton

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27 (SEAL)  
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